

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JONATHAN J. GELMAN	:	CIVIL ACTION
	:	
v.	:	
	:	
W2 LIMITED, et al	:	NO. 14-6548

ORDER

AND NOW, this 5th day of February 2016, upon consideration of the parties' letter briefs concerning Plaintiff's invocation of the common interest doctrine (Docs. 72 & 73), and following in camera review of the Common Interest Agreement covering communications between Plaintiff and his counsel, on the one hand, and non-party fact witness Jeffrey Greenwalt and his counsel, on the other, IT IS HEREBY ORDERED as follows:

1. The common interest doctrine is applicable and the Common Interest Agreement need not be produced;
2. The common interest doctrine protects only communications between the separate attorneys for Plaintiff and Mr. Greenwalt made in anticipation of, or after commencement of, litigation, and therefore communications made between Plaintiff and Mr. Greenwalt, outside the presence of counsel, are not privileged by operation of the doctrine; and
3. Plaintiff shall produce a privilege log within one week of the date of this memorandum and order identifying documents withheld from discovery on the basis of the common interest doctrine, and shall by the same date produce unredacted versions of any correspondence between Plaintiff and Mr. Greenwalt.

BY THE COURT:

/s/ELIZABETH T. HEY

ELIZABETH T. HEY, U.S.M.J.